UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.151/PC/78
26 July 1991

Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Working Group III
Item 4 of the provisional agenda

ANNOTATED CHECK-LIST OF PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Note by the Secretariat

1. According to the terms of reference adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session (A/46/48, Part I, decision 2/3, sub-paragraph ii), Working Group III is expected to examine the feasibility of elaborating principles on general rights and obligations of States and regional economic integration organizations, as appropriate, in the field of environment and development, and to consider the feasibility of incorporating such principles in an appropriate instrument/charter/statement/ declaration, taking due account of the conclusions of all the regional preparatory conferences.

2. In order to facilitate discussion in the Working Group, the annex to the present note contains a check-list of elements that may be considered in the context of preparing principles on general rights and obligations in this field, with a view to possible inclusion in an "Earth Charter". The elements enumerated in the check-list have been compiled from a number of texts and proposals, including draft provisions made available to the Preparatory Committee and the secretariat. Inclusion in the check-list is not intended to

GE.91-61513/3453B

prejudge whether or to what extent these elements reflect existing international rules of conduct, or in what manner they might become rules of conduct.

3. Where applicable, cross-references are provided in the annex to relevant existing texts which have already been endorsed at an intergovernmental level, including principles originating from the United Nations General Assembly, the World Commission on Environment and Development, and a number of regional conferences. In particular, reference is made to the following:

(a) Charter of the United Nations, adopted at San Francisco on 26 June 1945;

(b) International Covenant on Economic, Social and Cultural Rights, adopted by United Nations General Assembly resolution 2200 (XXI) of 16 December 1966;

(c) Stockholm Declaration = Declaration of the United Nations Conference on the Environment (Stockholm, 16 June 1972), endorsed by United Nations General Assembly resolution 2994 (XXVII) of 15 December 1972;

(d) New International Economic Order = Charter of Economic Rights and Duties of States, adopted by United Nations General Assembly resolution 3281 (XXIX) of 12 December 1974;

(e) Helsinki Final Act = Final Act of the Conference on Security and Co-operation in Europe, adopted at Helsinki on 1 August 1975;

(f) Shared Natural Resources Principles = Principles of Conduct in the Field of the Environment for the Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States, adopted by decision 6/14 of the UNEP Governing Council on 19 May 1978 (endorsed by United Nations General Assembly resolution 34/186 of 18 December 1979);

(g) United Nations General Assembly resolution 35/8 on the Historical Responsibility of States for the Preservation of Nature for Present and Future Generations, of 30 October 1980;

(h) African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity at Nairobi on 27 June 1981;

(i) Nairobi Declaration, adopted by the UNEP Governing Council at its session of a special character, Nairobi, 18 May 1982;

(j) World Charter for Nature, adopted by United Nations General Assembly resolution 37/7 of 28 October 1982;

(k) Declaration on the Right to Development, adopted by United Nations General Assembly resolution 41/128 of 4 December 1986;

(l) Goals and Principles of Environmental Impact Assessment, adopted by decision 14/25 of the UNEP Governing Council on 17 June 1987 (endorsed by United Nations General Assembly resolution 42/184 of 11 December 1987);

(m) Environmental Perspective to the Year 2000 and Beyond, adopted by United Nations General Assembly resolution 42/186 of 11 December 1987;

(n) Brundtland Legal Principles = Proposed Legal Principles for Environmental Protection and Sustainable Development, appended to the Report of the World Commission on Environment and Development (endorsed by United Nations General Assembly resolution 42/187 of 11 December 1987) A/42/427, Annex;

(o) Salvador Protocol = Additional Protocol on Economic, Social and Cultural Rights (to the 1969 American Convention on Human Rights), adopted at San Salvador on 14 November 1988;

(p) Langkawi Declaration = Declaration on Environment adopted by the Heads of Government of the Commonwealth at Langkawi (Malaysia) on 21 October 1989, A/44/673;

(q) Bergen Declaration = Ministerial Declaration on Sustainable Development in the ECE Region, adopted at Bergen (Norway) on 16 May 1990, A/CONF.151/PC/10, Annex I;

(r) Bangkok Declaration = Ministerial Declaration on Environmentally Sound and Sustainable Development in Asia and the Pacific, adopted at Bangkok on 16 October 1990; A/CONF.151/PC/38, Annex 2;

(s) United Nations General Assembly resolution 45/94 on the Need to Ensure a Healthy Environment for the Well-being of Individuals, of 14 December 1990;

(t) Tlatelolco Platform = Platform on Environment and Development in Latin America and the Caribbean, adopted at Tlatelolco (Mexico) on 7 March 1991, A/CONF.151/PC/L.30.

ANNEX

I. BASIC DUTIES

(1) Common responsibility of nations and peoples for the survival/integrity/ sovereignty of the Earth

- New International Economic Order, (1974, article 30:)
"The protection, preservation and enhancement of the environment for the present and future generations is the responsibility of all States. All States shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility."

- Nairobi Declaration (1982, paragraph 9):
"Responsible individual behaviour and involvement are essential in furthering the cause of the environment. Non-governmental organizations have a particularly important and often inspirational role to play in this sphere. All enterprises, including multinational corporations, should take account of their environmental responsibilities when adopting industrial production methods or technologies, or when exporting them to other countries."

- World Charter for Nature (1982, article 24);
"Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met."

(2) Avoidance of harm to future generations

- Stockholm Declaration (1972, principle 2):
"The natural resources of the Earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate."

- United Nations General Assembly resolution 35/8 (1980, paragraph 1):
"Proclaims the historical responsibility of States for the preservation of nature for present and future generations."

- Brundtland Legal Principles (1987, principle 2):
"States shall conserve and use the environment and natural resources for the benefit of present and future generations."

- Bangkok Declaration (1990, paragraph 15):
"All economic and social development activities should meet the needs of the present generation without compromising the ability of future generations to meet their own needs."

(3) Principle of precautionary/preventive action

- Nairobi Declaration (1982, paragraph 9):
"Prevention of damage to the environment is preferable to the burdensome and expensive repair of damage already done. Preventive action should include proper planning of all activities that have an impact on the environment."

- Environmental Perspective to the Year 2000 and Beyond (1987, paragraph 3/f):
"Although it is important to tackle immediate environmental problems, anticipatory and preventive policies are the most effective and economical in achieving environmentally sound development."

- Bergen Declaration (1990, paragraph 7):
"In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation."

- Bangkok Declaration (1990, paragraph 19):
"To achieve sustainable development, policies must be based on the precautionary principle."

(4) Equitable sharing of responsibilities and benefits

- Stockholm Declaration (1972, principles 3 and 5):
"The capacity of the Earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved. The non-renewable resources of the Earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind."

- Brundtland Legal Principles (1987, principle 9):
"States shall use transboundary natural resources in a reasonable and equitable manner."

- Langkawi Declaration (1989, paragraph 5):
"The responsibility for ensuring a better environment should be equitably shared and the ability of developing countries to respond be taken into account."

(5) Protection of individual rights to environment and development

- International Covenant on Economic, Social and Cultural Rights (1966, article 12):
"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for ... the improvement of all aspects of environmental and industrial hygiene ..."

- Stockholm Declaration (1972, principle 1):
"Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations."

- Declaration on the Right to Development (1986, article 1):
"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."

- Brundtland Legal Principles (1987, principle 1):
"All human beings have the fundamental right to an environment adequate for their health and well-being."

- Salvador Protocol (1988, article 11):
"Everyone shall have the right to live in a healthy environment and to have access to basic public services. The States Parties shall promote the protection, preservation and improvement of the environment."

- United Nations General Assembly resolution 45/94 (1990, paragraphs 1 and 2):
"Recognizes that all individuals are entitled to live in an environment adequate for their health and well-being; and calls upon Member States and intergovernmental and non-governmental organizations to enhance their efforts towards ensuring a better and healthier environment."

(6) Protection of indigenous peoples

- African Charter on Human and Peoples' Rights (1981, article 24):
"All peoples shall have the right to a general satisfactory environment favourable to their development."

- Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries, adopted by the International Labour Organisation on 27 June 1989 (articles 2 and 4):
"Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity ... Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. Such special measures shall not be contrary to the freely expressed wishes of the peoples concerned. Enjoyment of the general rights of citizenship without discrimination shall not be prejudiced in any way by such special measures."

- Tlatelolco Platform (1991, paragraph 6):
"... Current models of development have failed to take account of the importance of cultures which have evolved outside the framework of such models. The achievement of sustainable development requires the full

recognition of the importance of these cultures, since they have accumulated extensive knowledge of the natural world and have developed modalities for its sustainable use and management."

(7) Preservation of biological diversity/optimum sustainable yield

- World Charter for Nature (1982, article 4):
"Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist."

- Brundtland Legal Principles (1987, principle 3):
"States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems."

(8) Promotion of environmental education and awareness

- Stockholm Declaration (1972, principle 19):
"Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension."

- Helsinki Final Act (1975, section 5):
"The success of any environmental policy presupposes that all population groups and social forces, aware of their responsibilities, help to protect and improve the environment, which necessitates continued and thorough educative action, particularly with regard to youth."

- Environmental Perspective to the Year 2000 and Beyond (1987, paragraph 3/1):
"Building awareness at various levels of environmental conditions and management, through the provision of information, education and training, is essential for environmental protection and improvement."

- Convention on the Rights of the Child, adopted by United Nations General Assembly resolution 44/25 of 20 November 1989 (article 29/1/e):
"States Parties agree that the education of the child shall be directed to ... the development of respect for the natural environment."

- Bangkok Declaration (1990, paragraph 29):
"Reaffirm the necessity to promote environmental education, especially of the younger generations, as well as other measures to increase awareness of the value of the environment."

II. PRINCIPLES OF DECISION-MAKING

(9) Precedence of long-term sustainable development over short-term special interests

- World Charter for Nature (1982, article 8):
"In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology."

- Brundtland Legal Principles (1987, principle 7):
"States shall ensure that conservation is treated as an integral part of the planning and implementation of development activities and provide assistance to other States, especially to developing countries, in support of environmental protection and sustainable development."

- Langkawi Declaration (1989, paragraph 5):
"The need to protect the environment should be viewed in a balanced perspective and due emphasis be accorded to promoting economic growth and sustainable development, including eradication of poverty, meeting basic needs, and enhancing the quality of life."

(10) Accounting of environmental assets and resources

- Bergen Declaration (1990, paragraph 13/b):
"To develop sound national indicators for sustainable development to be taken account of in economic policy making: one of the ways to achieve this is to supplement national accounting systems in order to reflect as fully as possible the importance of natural resources as depletable or renewable economic assets; ... to investigate the possibilities of changing the present forms of resource accounting in investment analysis in order to give greater emphasis to long-term sustainability compared with short-term considerations."

(11) Full allocation of environmental costs to economic activities ("polluter-pays" and "user-pays" principles)

- Recommendation on the Implementation of the Polluter-Pays Principle, adopted by the Council of the Organization for Economic Co-operation and Development (OECD) on 14 November 1974:
"The Polluter-Pays Principle ... means that the polluter should bear the expenses of carrying out the pollution prevention and control measures introduced by public authorities in Member countries, to ensure that the environment is in an acceptable state. In other words, the cost of these measures should be reflected in the cost of goods and services which cause pollution in production and/or consumption."

- Recommendation on the Application of the Polluter-Pays Principle to Accidental Pollution, adopted by the OECD Council on 7 July 1989:
"In matters of accidental pollution risks, the Polluter-Pays Principle implies that the operator of a hazardous installation should bear the

cost of reasonable measures to prevent and control accidental pollution from that installation which are introduced by public authorities in Member countries in conformity with domestic law prior to the occurrence of an accident, in order to protect human health or the environment."

(12) Prior assessment of environmental risks

- World Charter for Nature (1982, article 11/c):
"Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if they are to be undertaken, such activities shall be planned and carried out so as to minimize potential adverse effects."

- Goals and Principles of Environmental Impact Assessment (1987, principle 1):
"States (including their competent authorities) should not undertake or authorize activities without prior consideration, at an early stage, of their environmental effects. Where the extent, nature or location of a proposed activity is such that it is likely to significantly affect the environment, a comprehensive environmental impact assessment should be undertaken in accordance with the following principles."

- Brundtland Legal Principles (1987, principle 5):
"States shall make or require prior environmental assessments of proposed activities which may significantly affect the environment or use of a natural resource."

- Bergen Declaration (1990, paragraph 16/f):
"To undertake the prior assessment and public reporting of the environmental impact of projects which are likely to have a significant effect on human health and the environment and, so far as practicable, of the policies, programmes and plans which underlie such projects and to ensure that East European and developing countries are assisted through bilateral and multilateral channels in evaluating the environmental impact and sustainability of their own development projects; to develop or expand procedures to assess the risks and potential environmental impacts of products."

(13) Burden of proof for environmental safety of projects andproducts

- World Charter for Nature (1982, article 11/b):
"Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed."

(14) Avoidance of irreversible environmental harm

- World Charter for Nature (1982, article 11/a):
"Activities which are likely to cause irreversible damage to nature shall be avoided."

- Bergen Declaration (1990, paragraph 7):
"Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation."

(15) Priority given to poverty alleviation

- Environmental Perspective to the Year 2000 and Beyond (1987, paragraph 3/c):
"Since mass poverty is often at the root of environmental degradation, its elimination and ensuring equitable access of people to environmental resources are essential for sustainable development."

- Tlatelolco Platform (1991, paragraph 18):
"Efforts to link environmental improvement and development should take into account both local and global responsibilities and the close interrelationship between poverty and environmental deterioration. These efforts will be successful in so far as they are the result of, inter alia, access to decent living conditions, adequate levels of social organization, political representation and genuine participation of the population in the determination of their own development paths."

(16) Public participation in environmental decision-making

- World Charter for Nature (1982, article 23):
"All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation."

- Environmental Perspective to the Year 2000 and Beyond (1987, paragraph 3/h):
"Since conflicts of interest among population groups, or among countries, are often inherent in the nature of environmental problems, the participation of the concerned parties is essential in determining effective environmental management practices."

- Brundtland Legal Principles (1987, principle 6):
"States shall inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in administrative and judicial proceedings."

- Bergen Declaration (1990, paragraph 16):
"Emphasizing the importance of participation by a well-informed and well-educated society so as to allow the public to mobilize itself to effect political change consistent with sustainable development ... (more detailed provisions in sub-paragraphs g, h and i)."

- Bangkok Declaration (1990, paragraph 27):
"Affirm the right of individuals and non-governmental organizations to be informed of environmental problems relevant to them, to have the necessary access to information, and to participate in the formulation and implementation of decisions likely to affect their environment."

(17) Procedure for environmental standard-setting, monitoring and reporting

- Brundtland Legal Principles (1987, principle 4):
"States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use."

- Bergen Declaration (1990, paragraph 16/e):
"To develop further national and international systems of periodic reporting of the state of the environment and to encourage open debate on the environmental implications of national policies."

III. PRINCIPLES OF TRANSNATIONAL RELATIONS

(18) Avoidance of harm to other nations and to the Earth as a whole

- Stockholm Declaration (1972, principle 21):
"States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

- New International Economic Order (1974, article 30):
"All States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

- Helsinki Final Act (1975, section 5):
"Each of the participating States, in accordance with the principles of international law, ought to ensure, in a spirit of cooperation, that activities carried out on its territory do not cause degradation of environment in another State or in areas lying beyond the limits of national jurisdiction."

- Brundtland Legal Principles (1987, principle 14):
"States shall cooperate in good faith with other States to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental interferences."

(19) Information and prior consultation on transnational environmental risks

- New International Economic Order (1974, article 3):
"In the exploitation of natural resources shared by two or more countries, each State must cooperate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interest of others."

- Brundtland Legal Principles (1987, principles 15-17):
"States of origin shall provide timely and relevant information to the other concerned States regarding transboundary natural resources or environmental interferences. States shall provide prior and timely notification and relevant information to the other concerned States and shall make or require an environmental assessment of planned activities which may have significant transboundary effects. States of origin shall consult at an early stage and in good faith with other concerned States regarding existing or potential transboundary interferences with their use of a natural resource or the environment."

(20) Principle of prior informed consent regarding transnational movements of hazardous substances and wastes

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989 (article 4/1/c):
"Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such waste."

- Amended London Guidelines for the Exchange of Information on Chemicals in International Trade, adopted by the Governing Council of the United Nations Environment Programme (UNEP) on 25 May 1989:
"Prior informed consent (PIC) refers to the principle that international shipment of a chemical that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision, of the designated national authority in the importing country."

- Amended International Code of Conduct on the Distribution and Use of Pesticides, adopted by the Conference of the Food and Agriculture Organization of the United Nations (FAO) on 21 November 1989:
"Prior informed consent (PIC) refers to the principle that international shipment of a pesticide that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision of the designated national authority in the participating importing country."

(21) Notification and assistance in environmental emergencies

- Shared Natural Resources Principles (1978, principle 9):
"States have a duty urgently to inform other States which may be affected: (a) of any emergency situation arising from utilization of a shared natural resource which might cause sudden harmful effects on their environment; (b) of any sudden grave natural events related to a shared natural resource which may affect the environment of such States. States should also, when appropriate, inform the competent international organizations of any such situation or event. States concerned should cooperate, in particular by means of agreed contingency plans, when

appropriate, and mutual assistance, in order to avert grave situations, and to eliminate, reduce or correct, as far as possible, the effects of such situations or events."

- Brundtland Legal Principles (1987, principle 19):
"States shall develop contingency plans regarding emergency situations likely to cause transboundary environmental interferences and shall promptly warn, provide relevant information to and cooperate with concerned States when emergencies occur."

(22) Avoidance of hostile environmental modifications

- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, adopted by United Nations General Assembly resolution 31/72 of 10 December 1976 (articles I and II):
"Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party ... The term 'environmental modification techniques' refers to any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space."

- Additional Protocol I to the 1949 Conventions Relating to the Protection of Victims of Armed Conflict, adopted in Geneva on 8 June 1977 (article 35/3):
"It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment."

- World Charter for Nature (1982, articles 5 and 20):
"Nature shall be secured against degradation caused by warfare or other hostile activities ... Military activities damaging to nature shall be avoided."

(23) Peaceful settlement of environmental disputes

- Charter of the United Nations (1945, article 33/1):
"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means."

- Environmental Perspective to the Year 2000 and Beyond (1987, paragraph 3/n):
"International environmental disputes, which are growing in number and variety, need to be resolved by peaceful means."

- Brundtland Legal Principles (1987, principle 22):
"States shall settle environmental disputes by peaceful means. If mutual agreement on a solution or on other dispute settlement arrangements is

not reached within 18 months, the dispute shall be submitted to conciliation and, if unresolved, thereafter to arbitration or judicial settlement at the request of any of the concerned States."

(24) Non-discriminatory treatment for foreign victims of transnational environmental harm

- Brundtland Legal Principles (1987, principle 13 and 20):
"States shall apply as a minimum at least the same standards for environmental conduct and impacts regarding transboundary natural resources and environmental interferences as are applied domestically (i.e. do not do to others what you would not do to your own citizens). States shall grant equal access, due process and equal treatment in administrative and judicial proceedings to all persons who are or may be affected by transboundary interferences with their use of a natural resource or the environment."

(25) Procedures for cessation of, and compensation for, transnational environmental harm

- Stockholm Declaration (1972, principle 22):
"States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction."

- New International Economic Order (1974, article 30):
"All States should cooperate in evolving international norms and regulations in the field of the environment."

- Brundtland Legal Principles (1987, principles 10, 11 and 21):
"States shall prevent or abate any transboundary environmental interference which could cause or causes significant harm. States shall take all reasonable precautionary measures to limit the risk when carrying out or permitting dangerous but beneficial activities and shall ensure that compensation is provided should substantial transboundary harm occur even when the activities were not known to be harmful at the time they were undertaken. States shall cease activities which breach an international obligation regarding the environment and provide compensation for the harm caused."